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ABSTRACT

This report contains papers by school athletic directors that deal with (1) causes of crowd misconduct, (2) responsibilities of State and national associations for crowd control, (3) roles of community and school officials in crowd control, and (4) legal status of spectators at high school athletic events. (JF)

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CROWD CONTROL

CROWD CONTROL FOR HIGH SCHOOL ATHLETICS

Prepared by the National Council of Secondary School Athletic Directors

EA 003 321

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Introduction

THIS PUBLICATION, developed under the auspices of the National Council of Secondary School Athletic Directors, a structure of the Division of Men's Athletics, is an attempt to speak to one of the most pressing problems of our day—crowd control at high school athletic events.

Since its inception in April of 1969, the National Council of Secondary School Athletic Directors has attempted to deal directly with the professional issues facing high school athletic administrators throughout the country. In order to accomplish this, the Council has sponsored two regional conferences, publications such as this one, and the *Athletic Director*, our Newsletter.

Robert Purdy, Director of Athletics of the Berea City Schools in Berea, and Ohio representative to the National Council, was selected as the chairman of the committee to prepare this manual. Roswell Merrick, Assistant Executive Secretary of the American Association of Health, Physical Education, and Recreation, and Rex Smith, Athletic Director for the Parma City Schools in Parma, Ohio, and Chairman of the National Council, worked closely with Mr. Purdy in appointing competent, well-qualified members to serve on the committee. The following committee members agreed to serve.

FRANK DICK, Superintendent of Toledo City Schools, Ohio

HILTON MURPHY, Commissioner of Athletics and Community Relations, Toledo Public Schools, Ohio

IRVIN KELLER, Executive Secretary of the Missouri State High School Activities Association, Columbia

HAROLD MEYER, Commissioner, Ohio High School Athletic Association, Columbus

CLAYTON KOWALK, Director of Athletics, Lansing Secondary Schools, Michigan

HOWARD C. LEIBEE, Professor of Physical Education, University of Michigan, Ann Arbor

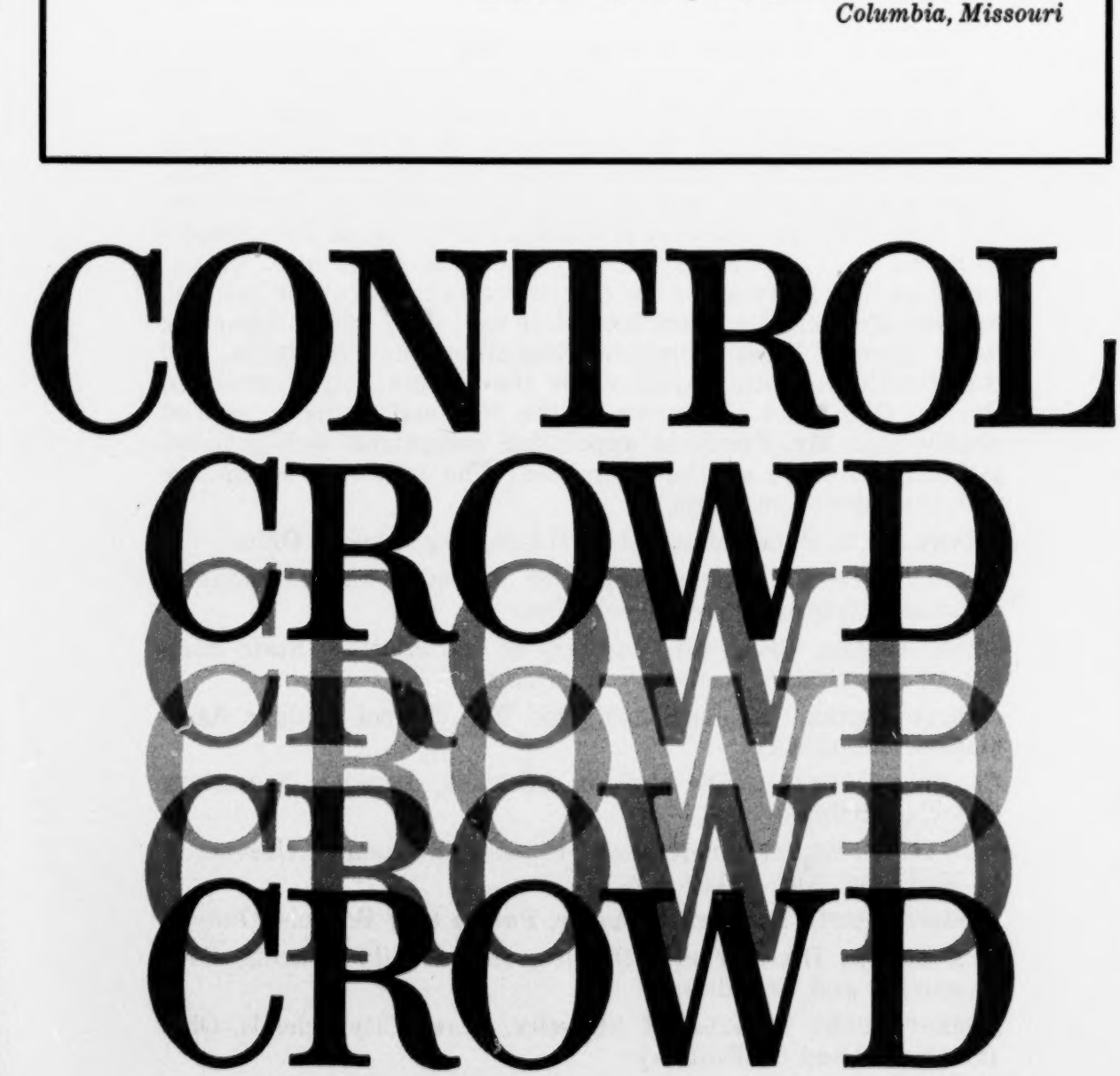
ROBERT WIRTH, Stadium Manager, Parma City Schools, Ohio

REX SMITH, Director of Athletics, Parma City Schools, Ohio (Recorder and Co-Editor)

ROBERT PURDY, Director of Athletics, Berea City Schools, Ohio (Chairman and Co-Editor)

Tolerating Misconduct Can Jeopardize Interscholastics

IRVIN KELLER
Executive Secretary
Missouri State High School Activities Association
Columbia, Missouri



THERE IS GENERAL AGREEMENT that when properly planned, supervised, and administered, interscholastic activities have much educational value. At a meeting of the National Federation of State High School Athletic Associations, every speaker, without exception, either directly or indirectly extolled interscholastic athletics as part of the educational program.

However, considerable concern was also expressed regarding the increasing number of cases of gross misconduct. Physical attacks upon officials, players, and fans have become a problem in many areas of the United States. Some schools have begun playing only daylight games while others are considering dropping the interscholastic athletic program altogether. Vandalism in dressing rooms at the site of the contest is causing some schools to consider seriously discontinuing the hosting of district and state events. When held under these conditions, the damaging effect upon the attitudes, ideals, and other attributes of citizenship detract from, rather than contribute toward, the educational objectives of the schools.

One almost naturally asks the question, "Why are these undesirable features becoming more prevalent?" There is perhaps a number of reasons, of which the following appear to be contributing factors to the loss of sight of the most worthwhile objectives of interscholastics:

1. Much of the fun is being taken out of interscholastic games. There is a tremendous increase in emphasis on competition. More nonschool organizations are sponsoring athletic events in which educational values are secondary or are only comcomitant outcomes. Groups are attempting to promote national and international competition for high school age youth. It is difficult to determine what specific educational values these highly competitive events have for the individual. Exhaustive training programs in which young athletes are pushed to the point of exhaustion have almost reached the point of punishment in some cases.
2. Over-specialization is again showing its head in interscholastics. Athletes are led to believe that they no longer can participate in a variety of sports and will not meet the competition unless they center their attention and efforts upon a particular sport. The decision as to which sport an individual should specialize in is often being made at the junior high school level before there is any real basis for knowing in which sport the individual will become most competent. Some coaches are prone to think that an athlete must start concentrated training in the seventh grade to develop into a good varsity athlete. There has been no concrete research or controlled experiments to verify at what age level youths must start participating to develop their maximum potentials. On

the other hand, many coaches are complaining about athletes dropping out of interscholastics when they reach junior and senior high school. This would indicate that something may be wrong.

3. The value of college athletic scholarships is resulting in much pressure being brought to bear upon the high school athlete. The possibility of being offered a college athletic scholarship is given prime consideration over having fun in participation. Increasing numbers of parents are sending their children to summer specialized sports camps to help them gain athletic scholarships.
4. The lack of understanding of the difference between professional athletics and school athletics is also having its influence. Practices employed in promoting the former for the primary purpose of making money are not always best for a program whose primary purpose should be to educate youth. Winning is important in both professional and school athletics, but for different reasons. If it causes losing sight of the most worthwhile objectives in school athletics, its importance becomes minimized.
5. Current trends appear to have little relationship to the primary function of interscholastic activities. National and international championships are being promoted for other than the contributions they offer to the educational program. The increased emphasis on competition for youth at the high school and pre-high school levels is not being generated because of an educational need.
6. The general disrespect toward law and order in society seems to be carrying over to interscholastics and is perhaps the greatest contributing factor.

Under these conditions it becomes increasingly important that careful attention be given to the planning, administration, and supervision of interscholastics. Although the results of landing a man on the moon have not been fully determined, they have demonstrated that the success of a venture depends upon objectives and programs which are long-range and carefully planned. Schools may well reflect upon this fact in their attention to programs involving interscholastic activities, for it will go a long way toward reducing the problems of misconduct and increasing the educational values for high school youth.

The school must work toward this problem as a team. The captain of the team is, of course, the high school administrator, who is responsible for the total program. The team is comprised of the coaches, other faculty members, high school players and students, and school patrons. "Playing rules" should include:

1. Establishing a philosophy and objectives for the school's program.
2. Formulating policies that will implement the philosophy and achieve the objectives.

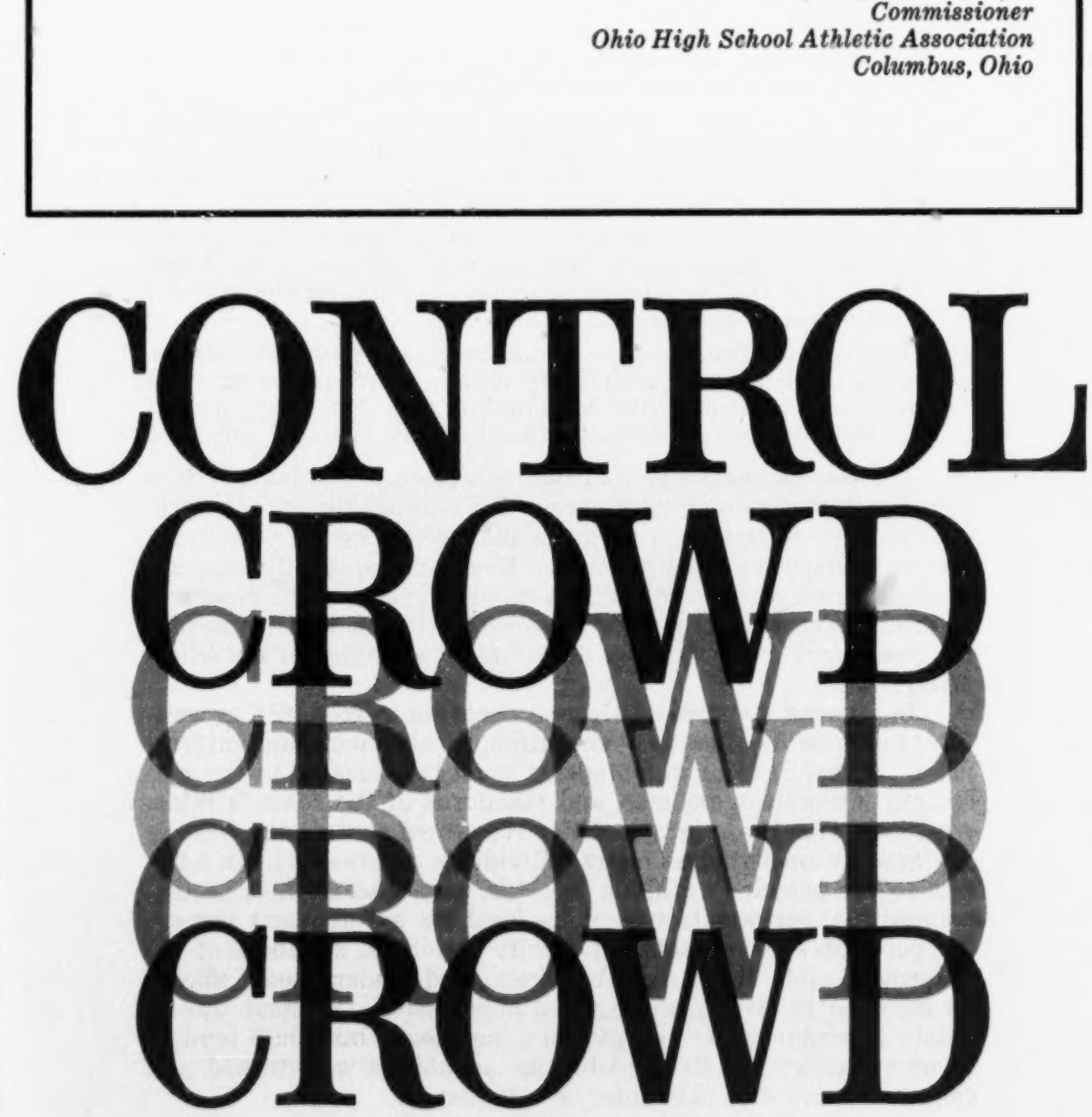
3. Adopting standards to guide the program and procedures for upholding these standards. All participants must meet the citizenship standards of eligibility. There is reason to believe that too many participants whose citizenship is questionable are being allowed to represent the schools because it is thought to be best for the individual. However, there is at the same time a tendency to overlook the adverse effect that such permissiveness has upon the attitudes and ideals of the other students in the school.
4. Better supervision of non-participating students is much needed. The misconduct of students staying at hotels and motels casts an undesirable reflection upon the school program. Some parents are negating their responsibilities and expect the schools to assume them. It should be made clear to parents that they are responsible for their children when not under the direct supervision of the school.
5. The student body and school patrons should be better informed concerning the standards of the interscholastic program. The provisions of state association bylaws should be well understood and posted in the school.
6. Sponsors accompanying students should have a clear understanding of the standards they are expected to enforce. Many schools find that involving students in assisting the sponsor in supervision is quite helpful.
7. Although careful attention should be given to all cases of misconduct and proper disciplinary action taken, it is extremely important that students be complimented for good conduct and should receive more attention for such than do violators.

There is no guarantee that interscholastic activities will have significant educational values for youth without the school working as a team in setting up its goals and developing the procedures and techniques for reaching them. Even with such efforts, some misconduct may occur. When it does, prompt corrective measures must be taken to eliminate it. Tolerating it can well jeopardize the position of interscholasics as an important phase of the school program.

Improving sportsmanship and avoiding misconduct necessitate three phases of action—education, involvement, and enforcement. School patrons and students must be educated to the philosophy, objectives, policies, and standards of the school's interscholastic athletic program. Effective crowd control can best be achieved by involving as many individuals as practical. In addition to the principal, athletic director, and coaches, it is recommended that representatives of the local law enforcement agency, the pep club sponsor, selected faculty members, members of the lettermans club, boosters club officers, and student body officers be included in both planning and supervision. Without appropriate procedures for enforcement, policies established tend to become ineffective. Responsibilities should be well-defined and communicative channels must be established.

Responsibilities of State and National Associations

HAROLD MEYER
Commissioner
Ohio High School Athletic Association
Columbus, Ohio



EVERY STATE IN THE UNION, including the District of Columbia, has some type of association directly involved in the administration of high school athletics. A number of states include athletics along with other extracurricular activities while other states have separate associations for non-athletic activities.

Since the organization is already present, it is imperative that each state association adopt rules and regulations governing the conduct of athletic contests under its jurisdiction. They may be a part of the association's constitution and bylaws, or be promulgated through bulletins, newsletters, or other media.

All schools must be made aware that they have certain required responsibilities as a member of the association, as a host school, or as a visiting school. The responsibility may vary in degree but not in importance.

Crowd control is a problem only if there is a crowd and if the assumption is made that an athletic contest is responsible. Since an athletic event is the cause, it is a logical point to start in the establishment of controls.

To insure correct behavior of student athletes it should be mandatory that a faculty member of the school accompany the team or individuals to an athletic contest. This person may be a coach, teacher, or administrative head of the school. His duties vary with the type of activity, but primarily he is the person of responsibility.

Some athletic rule books contain certain rules governing the actions of coaches while a contest is in progress. The rule makers may have had the protection of the officials in mind, but indirectly the rules have an effect on the crowd's behavior. Some rules provide a yardage penalty, as in football, a free throw, as in basketball, or a loss of a team point, as in wrestling. In some cases, a coach may be ejected from the area of the contest if he persists in unsportsmanlike behavior. Since all penalties are assessed by game officials it is important that a complete report be made to the state association for any followup deemed necessary. Some states impose a monetary penalty on the coach or school while others invoke probation or suspension upon the school if conditions are considered serious enough.

Most coaches realize that their sideline actions have a decided effect on the attitude of team followers and govern themselves accordingly. For the few coaches, however, who do not assume their responsibility, provisions should be made for controls or penalties other than those incurred in the game itself.

The players also share many responsibilities. Game rules provide penalties for certain acts of unsportsmanlike conduct, but are imposed only during the contest itself. Many an athletic contest has been marred by athletes engaging in fisticuffs which

have also involved spectators. Severe penalties, beyond the game rules, should be imposed when the behavior of a student athlete is detrimental to the game. There is little likelihood that a crowd will create any problem after witnessing the competing teams shake hands and compliment each other at the conclusion of an athletic contest.

To some, officials are a necessary evil but to the game itself, they are a vital factor. Great care should be taken in the selection of officials far before the contest and with the approval of both schools involved. Most states have a registration program that provides for annual examinations, rules meeting requirements, rules interpretation meetings, and many other devices to upgrade the caliber of those officiating in athletic games.

Officials should be expected to appear in the uniform adopted for the sport, report to the contest well in advance for a pregame conference and conduct themselves as gentlemen. They should constantly be aware that their duty is to insure that the game is played according to the rules and fairly administered for both teams. Knowledge of the rules and their correct application is paramount. Once a man becomes an official he should be recognized as part of the team and treated with due respect.

Many state associations require the host school to provide proper police protection for the safety of officials, spectators, athletes, and the game itself. In some instances where police supervision is not available, or in sufficient numbers, schools rely upon adult volunteers. This practice works well if the volunteers are distinctly identifiable by colored caps, ribbons, jackets, etc. The amount of police protection needed can best be determined by factors such as the size of the anticipated crowd, the rivalry of the schools, the importance of the game, and past experience. The visiting school, although not primarily responsible for the direct hiring of police protection, is liable for the actions of its athletes, coaches, cheerleaders, band, and student section.

It is imperative that all schools make a determined effort to emphasize the fundamentals of good sportsmanship. This emphasis must be more than mere lip service. It should be carefully planned and worked at constantly during the school year, especially at the beginning of a sports season.

The following is a sample of the material given to all schools that have teams entered in Ohio basketball tournaments.

Fundamentals of Sportsmanship

1. **Show respect for the opponent at all times.**
   The opponent should be treated as a guest; greeted cordially on arriving; given the best accommodations; and accorded the tolerance, honesty, and generosity which all human beings deserve. Good sportsmanship is the Golden Rule in action.

2. **Show respect for the officials.**
   The officials should be recognized as impartial arbitrators who are trained to do their job and who can be expected to do it to the best of their ability. Good sportsmanship implies the willingness to accept and abide by the decisions of the officials.

3. **Know, understand, and appreciate the rules of the contest.**
   A familiarity with the *current* rules of the game and the recognition of their necessity for a fair contest are essential. Good sportsmanship suggests the importance of conforming to the spirit as well as the letter of the rules.

4. **Maintain self-control at all times.**
   A prerequisite of good sportsmanship requires one to understand his own bias or prejudice and to have the ability to recognize that rational behavior is more important than the desire to win. A proper perspective must be maintained if the potential educational values of athletic competition are to be realized. Good sportsmanship is concerned with the behavior of all involved in the game.

5. **Recognize and appreciate skill in performance regardless of affiliation.**
   Applause for an opponent's good performance is a demonstration of generosity and goodwill that should not be looked upon as treason. The ability to recognize quality in performance and the willingness to acknowledge it without regard to team membership is one of the most highly commendable gestures of good sportsmanship. With the fundamentals of sportsmanship as the points of departure, specific responsibilities and expected modes of behavior can be defined.

Responsibilities of the Coach

The coach bears the greatest burden of responsibility for sportsmanship. His influence upon the attitudes and behavior of the players, the student body, and the community are unequalled. In order for good sportsmanship to become a reality, it is essential that the coach subscribe to the values of sportsmanship and teach its principles through word and deed. Specifically, it is recommended that the coach:

1. Always set a good example for others to follow.
2. Instruct the players in their sportsmanship responsibilities.
3. Discipline those students who display unsportsmanlike behavior; if necessary, forfeit their privileges of representing the school.
4. Be a good host to opponents; treat them as guests.
5. Provide opportunities for social interaction among coaches and players of both teams before and after the contest.
6. Select only officials who have demonstrated the highest ethical standards.
7. Respect the officials' judgment and interpretation of the rules.
8. Publicly shake hands with the officials and opposing coach before and after the contest.

Responsibilities of the Players

The responsibility of the players for sportsmanship is second in importance only to the coach. Because players are admired and respected, they exert a great deal of influence over the actions and behavior of the spectators. Desirable behavior for players would be to:

1. Treat opponents with the respect that is due them as guests and fellow human beings.
2. Shake hands with opponents and wish them good luck before the contest.
3. Exercise self-control at all times, accepting decisions and abiding by them.
4. Respect the officials' judgment and interpretations of the rules. Never argue or make gestures indicating a dislike for a decision.
5. Do not communicate with the officials regarding the clarification of a ruling. This is a function for the captain.
6. Accept both victory and defeat with pride and compassion, being never boastful nor bitter.
7. Congratulate the opponents in a sincere manner following either victory or defeat.
8. Accept seriously the responsibility and privilege of representing the school and community.

Responsibilities of the Students

Student habits and reactions as spectators determine the quality of sportsmanship which reflects upon the reputation of their school. Therefore, it is recommended that they:

1. Know and demonstrate the fundamentals of sportsmanship.
2. Respect, cooperate, and respond enthusiastically to cheerleaders.
3. Censure fellow students whose behavior is unbecoming.
4. Respect the property of the school and the authority of school officials.
5. Show respect for an injured player when he is removed from the contest.
6. Do not applaud errors by opponents or penalties inflicted upon them.
7. Do not heckle, jeer, or distract members of the opposing team.
8. Never criticize the players or coaches for the loss of a game.
9. Respect the judgment and strategy of the coach.
10. Avoid profane language and obnoxious behavior.

Before an athletic contest occurs, the host school or the manager in charge of the tournament or meet should make a thorough inspection of the premises, both inside and out, looking for potential fire and safety hazards. If hazards exist that may be

corrected, corrections should be made. If conditions cannot be remedied, proper precautions should be made to insure the maximum amount of protection possible.

Where large crowds are anticipated, it is a good policy to request assistance from the fire department to furnish marshals. Their authority and expert knowledge will be of great help in keeping aisles and exit doors cleared. Before doors are opened to the public it is also advisable that the fire marshals and custodial staff make a complete inspection of the premises, looking primarily for any explosive devices. Bomb scares have emptied many buildings needlessly. Knowing that the building has been inspected and where to look for possible hiding places may negate anonymous warning calls designed to disrupt the game.

In many athletic contests the demand for tickets exceeds the supply. Often, because of meager athletic funds, there is a temptation to sell every ticket that can be sold. Over-selling results in people not having seats which, in turn, causes a congregation of people near the playing area or as close as they can get to the activity taking place. This can be a potentially dangerous situation because of their close proximity to the play.

Selling tickets in advance enables schools to approximate the size of the crowd and plan accordingly. If the game is a sell-out all sources of the communication media should be used to advertise this fact, and non-ticket holders should be encouraged to stay away. Many contests have been marred by irate fans who have traveled many miles to attend an athletic contest only to be denied admittance.

Because some athletic contests have been confronted with demonstrations of one kind or another, the following was supplied to all Ohio schools and tournament managers as guidelines to follow if the need arose.

Militant Demonstrations

Schools and tournament managers should be ready in advance with a definite plan rather than risk the possibility of being unprepared for an unforeseen confrontation.

MANAGEMENT

1. Start the game on time. If there is a delay, there will be a greater chance for a demonstration.
2. Plan in advance.
   a. Use the police.
   b. Make seating arrangements.
   c. Eliminate handbills and banners from arena.
   d. Notify visiting team authorities.
   e. Use ropes to set aside areas.
   f. Establish good communications with all connected with the game, including the officials.

3. Protect the electric power and P.A. system.
4. Do not attempt to throw out militants in a crowded arena.
5. Contact the county prosecutor if necessary. He is the chief law enforcement officer in each county.

OFFICIALS

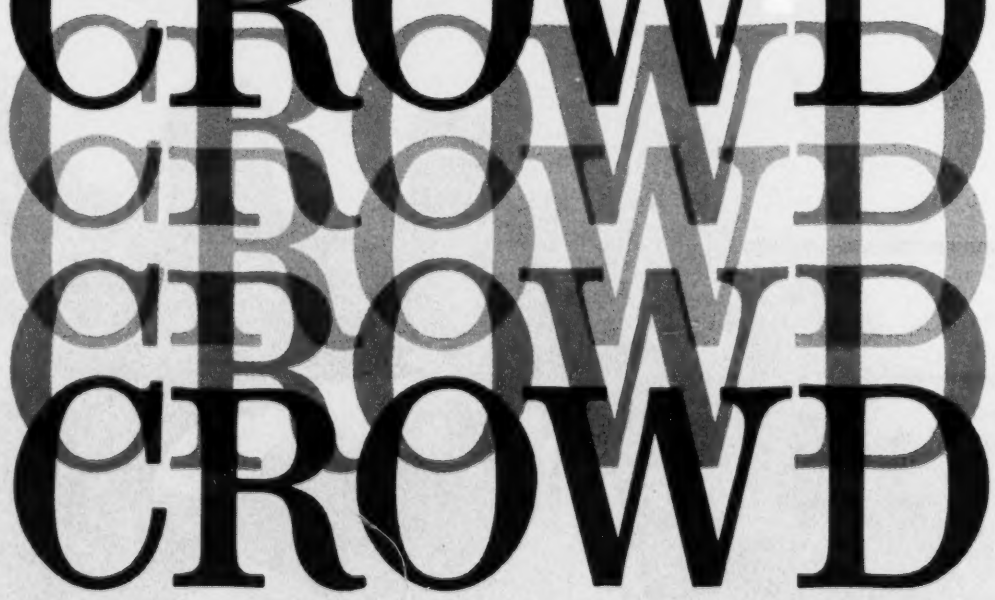
1. Before the game.
   a. If entrance is blocked, wait for the police.
   b. If dressing room is occupied by militants, go to athletic director for instructions.
   c. If you cannot get out of dressing room, responsibility shifts to game management. Do not force your way out.
2. At game time.
   a. If floor is clear during warm-up, start on time.
   b. If floor is clear at game time, but no warm-up period is possible, start the game without warm-up if the coaches agree. If warm-up is demanded, allow only a 10 minute period.
   c. If the floor is not clear at game time, wait one hour and then leave the court area.
3. During the game.
   a. If the floor is taken over during the game, escort players to the bench and leave floor for dressing room.
   b. Contact proper authorities for additional police assistance.
   c. Do not forfeit a game due to demonstrations. Final action will be taken by the proper school authorities. If a game is a sectional or district tournament, contact district board. If it is a regional tournament, contact the Ohio High School Athletic Association.
4. After the game.
   a. Do not leave the arena without police escort.
   b. Proceed to home area as quickly as possible. Do not stop to eat, or visit in town or general region of game site unless unavoidable.

Interscholastic athletics are a stronghold of disciplined youth. If the programs are worth continuing—and I believe they are—they will require the dedicated efforts of all concerned, with crowd control as a prime objective to be won.

Your Community Is Involved

HILTON MURPHY
Commissioner
Athletics and Community Relations
Toledo (Ohio) Public Schools

CONTROL CROWD



IN AN ERA WHEN IT IS POPULAR to break down the establishment, we must protect our high school activities. Most people realize that an increase in disorders at high school games can threaten the continuation of traditional interscholastic programs. This danger is a reality, and it is a national disgrace that we have these incidents happening throughout our country. High school football, especially, has had its share of riots—both by day and by night.

The problem, however, is not one which belongs exclusively to sports. Disturbances are a national community problem. However, experiences in Toledo have shown that sports can play a major role in counteracting these disturbances and serve as a national medium to coordinate community involvement, thereby bringing the community together to solve a common problem. The following are some of my views and the procedures we are using currently in Toledo to control crowd disorders at athletic games.

You as an athletic director or athletic official must take a stand because your superintendent might be in a position whereby he can and will support you, but could not take this same stand in the same manner himself. The person who does take a stand will find himself surrounded by many agencies eager to help, and he will become a highly respect man in his community.

We now have involved in our community the efforts of school and game officials, students, parents, the safety director, fire and police command officers, and the courts. We have a task force representing all these groups at work under the slogan, "Let's Get Together."

Before and after each major sports season, principals, athletic directors, head coaches of the sport in season, officials of the games involved, and police, fire, and city government command personnel meet to discuss what preventive steps must be taken for the coming sports season. Our success, to date, has been the involvement of the *total community* in a true grassroots preventive program. We must redouble our efforts to save our activities and athletics, because it is easy without community support for boards of education to cut down on student activities. And a good education not only teaches a child to know but to behave better.

The only way to get community support is to get community involvement. Sell the community on the fact that young people understand and enjoy good sportsmanship. We should not give in to the destructive behavior of some groups. Athletics should be a method of decreasing prejudice, student conflict, and disruption. Getting kids together at an early age is the only hope of our society for eliminating prejudice. We have problems at

athletic contests. We have fights because they present an occasion for inter-group confrontations; however, the interaction of games and activities also has a constructive focus. It is thus unfortunate when a situation degenerates into violence. Athletic competition entered under such frightful circumstances cannot sustain community support. We must have the community behind us because if boards of education cut back on school activities, students would still interact outside the school in other, less constructive ways and without focus or supervision. We must meet the challenge of disruption in interscholastics athletic contests before it is too late.

Guidelines to be effective must involve and teach the public what we are trying to achieve in the educational objectives of our athletic program. Involvement of boosters clubs and parent groups can be a positive factor in crowd control. As a result, we must create an awareness within organizations of the school, the district, and the league in the city as to the rules and policies of the athletic program. This awareness can be helped by discussing with various groups the rules and regulations of various sports, how to maintain permanent liaison between school administration and these groups, and the roles and duties of crowd control personnel. Resource people should be assigned to send letters to parents explaining the problem of crowd control and encouraging supportive attitudes.

Experience in Toledo has shown us that paid boosters (that is, citizens selected from the community) are more effective in crowd control at a game than are uniformed, paid off-duty police. Perhaps this is due to the respect that students have for the adults of their community. A mixture of policemen, booster clubs, and interested adults will go a long way in keeping some of the disorders down and putting out brush fires before they become major confrontations. All of this comes under the heading of community involvement.

Developing a working relationship with city officials helps

to establish a liaison with the agencies supplying the control services, such as the police and its community relations office, detectives, courts, and fire department. It is equally useful to get these people to attend meetings of the city governmental bodies, and keep officials aware of crowd control measures and problems.

Another important point is to inform the news media what is happening or could happen, and after something does occur, be frank. Too many school officials try to sweep disturbances and incidents under the rug, only to have the news media subsequently pull the rug out from under them. Community leaders and agencies and school officials should be given crowd control procedure brochures which tell how the community would be involved in problems of the schools. Police and school security duties should be defined clearly in crowd control of stadiums, and a police school gymnasium security agreement should be made in basketball games. Sportsmanship programs should be arranged within the schools where referees, coaches, police, and observers rate student, adult, and team behavior at games, thereby focusing upon the fact that sportsmanship is a definite school goal. The interchange of cheerleaders and team captains at pep meetings on the day of the game helps to put the two schools in a good frame of mind for the contest.

Community involvement should be organized by the various service clubs to have members speak to the young athletic groups especially. Officials should be carefully selected and placed in games in which the official can definitely handle a situation as it might be presented.

Finally, the entire community should get behind the idea of developing in our young people an overall respect of law and authority. This is necessary if our athletic programs are to be continued for those who appreciate it. Isn't it a shame that all this has to be done to preserve athletic activities for our young that you and I enjoyed in our youth without harassment or incident.

The two articles which follow are a supplement to Hilton Murphy's remarks about crowd control problems in Toledo.

ERWIN OEHLERS
Deputy Chief
Police Community
Relations
Toledo, Ohio

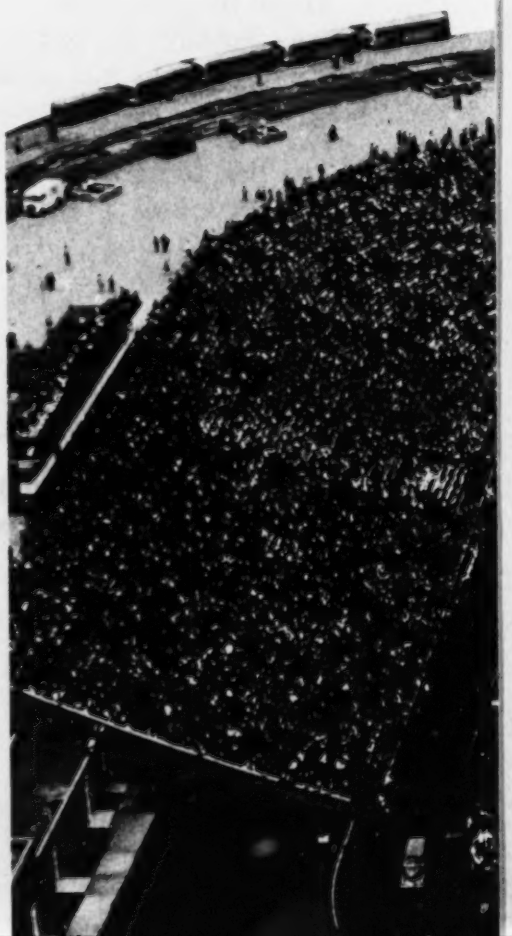
FRANK DICK
Superintendent
City Schools
Toledo, Ohio

Cooperation between the board of education and the police department is vital if there is to be any success in crowd control. The peaceful presentation of any athletic contest depends upon lines of communication being open between the police department and the board of education. I feel the exchange of ideas and rumors is essential so that facts can be sifted from rumors, and positive steps can be taken to dispel all false reports.

Locally, the board of education, through its community coordinator program and the police community relations bureau, is able to spot potential problems before they arise. As a result, police officers are able to avert many problems before they develop into an actual confrontation.

At all athletic contests, the school board hires a sufficient number of off-duty police to control the crowd within the stadium or gymnasium. They work directly under the supervision of a member of the school board and quickly handle any difficulty within the stadium or gymnasium. Since we have found that most disturbances occur immediately at the end of games, when traffic —both pedestrian and vehicular—causes congestion, command and traffic control officers are assigned in sufficient numbers to handle traffic following the contest. These officers are also a reserve force if a disturbance does occur during the game.

I feel that the individuals who exert the greatest influence on a crowd at an athletic contest are the coaches and contestants. Recognizing this, the board of education holds pre-season meetings wherein coaches, officials, police, and board of education officials go over the patterns of behavior of the participants, and responsibility is placed with each of them in an attempt to avoid improper actions, attitudes, or remarks that might excite a group of spectators. I might add that, in my opinion, these meetings have done more to keep down explosive situations than any other part of the program.



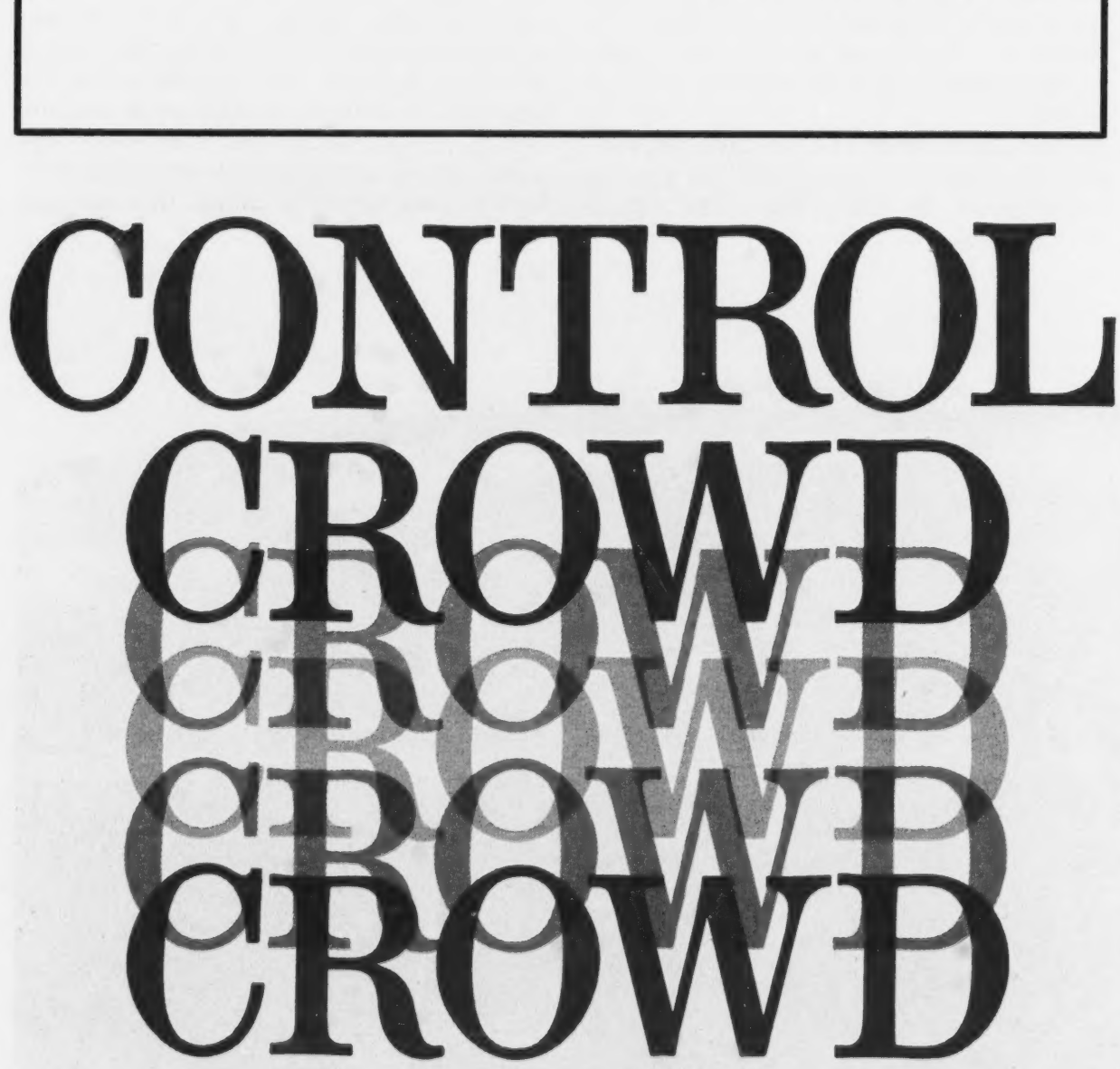
The schools of our country are becoming increasingly aware of the need for preventive measures to overcome crowd control behavior problems. We in Toledo, because of our early concern, have taken a leadership position throughout the country in an attempt to control crowds at athletic contests. Good crowd control consists of much preventive planning and organization long before problems arise. While most interscholastic contests are conducted without unpleasant incidents, it is necessary to organize for all contests in advance and to use every possible avenue in preplanning. It's a job, "a responsibility," that has to be shared by the board of education, civic groups, police, courts, and every respectable citizen.

The biggest share of responsibility, however, falls upon the school officials, who are currently on the firing line. The responsibility for much of the student body's attitude lies with the high school principals, while the athletic director should be well-schooled in the principles of crowd control. The coach must realize that in time of crises, he is coaching more than his team. His responsibility is not only to his athletes, but to the student body, to his administration, and to the entire community in which he lives.

Bursts of violence occurring at football and basketball games, where team, coaches, and fans are threatened by a rowdy, partisan, small group, have become so alarming as to make crowd control a priority for many school systems. Neither educators nor taxpayers will tolerate much longer the violence and gang warfare that endangers the life and limb of innocent spectators at athletic events. School authorities everywhere are aware of the situation and are doing their best to take action to arrest this ominous trend.

Crowd Accommodation— A Planned Procedure

ROBERT WIRTH
Stadium Manager
Parma (Ohio) City Schools



THE CONNOTATION OF CROWD CONTROL refers to the forcible movement of large groups of people from place to place or the control of large groups of people in a particular place. This phrase, I feel, is somewhat out-of-date. Although I will continually refer to the words "crowd control," the term should be "crowd accommodation," for in the period in which we live *accommodation* should replace control when large groups of people are concerned. Similarly, when I refer to the police, I mean "police service," not "police force."

Procedures in crowd control logically should start many weeks prior to an event. For purposes of placing crowd control procedures in logical sequence I have divided them into three areas: procedures prior to an event, procedures during an event, procedures after an event.

Crowd Control Procedures Prior to an Event

Many weeks, even months before an athletic contest, whether it be football, basketball, wrestling, etc., groundwork must be laid for proper handling of all particulars that comprise a successful game. Contacts should be made with the local police, sheriff's department, or state patrol to discuss:

1. Traffic flow prior to and following the game, and around the area during the game
2. Posting of No Parking and traffic directional signs
3. Pedestrian flow
4. Stores or businesses that may be adversely affected by crowds or traffic
5. Provision for ambulance runs to and from the area
6. Police cooperation and participation (e.g., security plans)
7. Establishment of a pay scale for police, if necessary

Situations may vary regarding police involvement; however, a good security plan that spells out duties, times, conditions, and other matters pertinent to the safety of people is probably the most importaant facet of crowd control.

Much attention should be given to tickets, for it is a known fact that a ticket to a very popular event not only is a ticket of admission but an instrument of prestige. Therefore, the prestige and advertising factors of an event can be capitalized on if a ticket is designed to be attractive and informative, as well as advertise the event. Care should also be given to numbering of tickets and keeping accurate records. Should rain or another calamity prevent an event from continuing after the crowd has

been seated, it would be wise to adopt an alternate plan for refunding money or tickets.

Several weeks prior to a particular season, meet with the news media to lay the groundwork for game reporting, public information, ticket information, and other matters which might be of interest. In addition, line up suitable and proper advertising which will promote the sport involved, particular event, and desired outcome, i.e., "good sportsmanship," "wholesome, family recreation," etc. *Too many times advance publicity creates a hostile audience.* This, however, can be controlled to some extent by carefully planning and coordinating the publicity with the opposing team.

Prior to the season, the physical facilities of the field, arena, or gymnasium should be checked and rechecked, for if we talk of crowd accommodation, we must be ready with the facilities necessary for accommodating a large group of people. There must be adequate washroom space; it must be clean, well-lighted, clearly marked, and maintained. Similar standards apply to locker rooms. Broken seats, steps, screens, windows, etc. should be in the best of repair and if possible, the traffic flow within the arena, stadium, or gymnasium should be well-directed with the use of large signs above head level. All ramps, exits, entrances should be marked with large signs. A standard color and size might be adopted for all signs at a particular field. This, in effect, educates people to the fact that a particular sequence of colors or signs provides information regarding direction of seating, restrooms, etc.

Much of the outward success of an event can be measured directly by ticket sales. Therefore, it would seem prudent to have someone spend some time and effort in this direction. Planning ticket sales and "gimmick" items to sell tickets are all part of sound game procedures that take place prior to an event.

One should not overlook means to contact the public for selling tickets, as well as provide adequate facilities at the game for this purpose. These facilities ideally should be located some distance from the exits and entrances because 1) the people arriving at the event who already hold tickets should not be held up by ticket lines, and 2) people who are purchasing their tickets at the game will not create large crowds around the entrances. Although this may not seem important, *the orderly flow of people into an event will often set the tone which will be the basis for a crowd's reaction during the event.*

Crowd Control Procedures During an Event

Procedures to be followed during an event logically should start six to eight weeks prior to the game and it is at this time that a pregame checklist should be used to keep track of items and work requiring completion prior to the event. It is possible that several pregame checklists might be necessary—for the athletic

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director, the field maintenance man or custodian, the man in charge of tickets sales, and the timer and scorekeeper. The lists could include the duties and responsibilities of each.

A pregame checklist would not necessarily be the same for all schools or field houses. However, a good checklist can and should be developed before and after your first and/or second contests so it can be put into effect 100% for future events. Developing a good checklist is important and should be the responsibility of the athletic director or whomever has the ultimate responsibility for the event. The checklist should be strictly followed and continually updated. While it is difficult to define its impact upon crowd control, *a good checklist will set the stage for a properly run event.*

Probably one of the most important duties of an athletic director is to make sure that an event starts on time. This is to say that if a football game, for example, is scheduled to start at eight o'clock, the kickoff should take place at *exactly eight o'clock.* When an event takes place on time week after week, the crowd becomes educated to the schedule and makes an effort to arrive on time and eventually to leave immediately when the game ends, which, in effect, creates order; and, *if order is achieved, crowd control is not a problem.*

During the event, continual surveillance should be maintained on all facilities pertaining to crowd convenience or comfort such as concession stands, drinking fountains, first aid stations, washrooms, and aisleways. The importance of this is from the standpoint that a person leaving his seat to go to a washroom or a concession stand may become involved in a line or waiting period; consequently, he may become irritated and possibly be a potential problem later in the game. Attempts should be made to eliminate all lines of people waiting for any purpose.

Special attention should be paid to people who do not come to a game to watch it. They are a potential source of trouble. I am speaking of the young people and sometimes older persons who come to an event and stand around in small groups behind the stands, ticket gates, or concession stands waiting to see and be seen and, of course, are not ready to back down from any altercations that might occur in their vicinity. It is a good idea to keep small groups of people on the move or in seats. This should not be done with a display of police force, but rather as an established plan within the confines of the football field or gymnasium whereby people become educated to the fact that they are there to watch an event taking place on the playing field or floor and that loitering at concession stands or underneath them will not be tolerated. This policy should be put into effect at the very first athletic event and continued throughout the season. *It is a matter of crowd education*—and will be an expected behavior if established early in the season.

It is of great importance to have a security plan well worked

out with the local police authorities and in the hands of the person in charge of the police contingent at your field or event. All police should be aware of this plan and any special phases of it. By this I mean providing immediate police help in case of an injury, an ambulance coming on the field and leaving, and most important, in the event of person(s) being apprehended for various reasons within the confines of the field, fieldhouse, or gymnasium.

We have found from experience that when trouble occurs, if possible, the person(s) in question should be moved immediately and courteously into a closed room or other area out of sight of spectators. Steps can be taken then to ascertain what might have caused any problem. By removing the person(s) from the sight of the crowd other action which might occur or be planned to occur will be minimized.

If need be, the people in question can be removed subsequently by police car to the local police station for further questioning or other police procedures. However, it is not recommended that every case of this type be taken to the police station. In most instances, escorting those involved out of the field and away from the area is effective, and repeat occurrences do not happen if this policy is followed rigorously from the first game on throughout the season.

It is a good policy to exclude from the sports area artificial noise-makers, confetti, beverages in bottles, cans, or paper cartons as these can become weapons or projectiles. There should be a suitable place where people may check these items outside the gate and pick them up after the game. Here again, practicing this policy from the very first game will educate the crowd in acceptable and non-acceptable behavior. If the prohibition of noisemakers, drinks, bottles, etc. causes a fan to question the reason or authority for doing this, game attendants should be willing to refund the full purchase price of the ticket.

During the game someone should continually check gates, ticket windows, concession stands, placement of police, press box facilities, washrooms, etc., for if a fan is fully accommodated there is little cause for abnormal behavior, and it is normal behavior for which we strive.

Special attention should be given to the last five minutes of an event. Under no circumstances should the ticket gates be open for anyone to come in at a reduced rate, at no fee, or without a ticket. The enforcement of this practice eliminates loiterers standing around outside ticket windows and gates until such time as they can come in at a reduced rate. The full price should be charged right up to the last second of the game. Generally speaking, policemen, ushers, and others charged with keeping aisles open should move from their position to a site where they can facilitate an orderly flow of people from the stands to the exits. Within two minutes of the end of the game all exits should be open but not unattended. At the end of an event a somewhat

sobering announcement may be made concerning pedestrian and traffic safety, such as, "May we have your attention, please. When leaving the game tonight, we hope you will drive carefully."

Crowd Control Procedures After an Event

Immediately following a game, it is a good idea to turn out field lights as soon as feasibly possible. This indicates to the crowd that it is time for them to leave. The field maintenance man or custodian should immediately begin collecting field markers, flags, and other equipment on the field. If the event is indoors, suitable action should be taken.

The announcer on the public address system should continue working until most of the crowd has left in case, for example, an emergency announcement needs to be made.

For spectators arriving at the event by bus, it is an excellent plan to have the buses under surveillance before, during, and after the game. Immediately following a game, some of the policemen on the field can be transferred to the buses to augment the people assigned the surveillance before and during the game.

If pregame planning is sufficient and a suitable security plan is adopted, traffic flow away from the field will move quickly, in one direction, and with a minimum of trouble.

Assigning attendants to the parking lots facilitates the moving of cars onto highways. Policemen moving with the crowd out to parking and bus areas or areas where many people will pass help to deter abnormal behavior.

A possible source of further trouble after a game may occur between the rival teams themselves as they emerge from their respective locker rooms and head for their buses or cars. If a clash seems ominous, the teams should naturally be kept apart. If, however, time and funds permit, it is an excellent idea to bring the teams together after they have finished dressing, and provide refreshments in an atmosphere of sportsmanship and fellowship.

An hour or so after game it is wise to check with the police to ascertain if any unforeseen incidents happened, such as fights, auto accidents, property damage, etc. within the immediate area of the field or gymnasium. Such information might be incorporated into future security plans to avoid similar recurrences. Once adverse crowd behavior gains public attention it is extremely difficult, if not impossible, to erase it from the public's mind, especially if it is treated in the newspapers in a sensational manner. Good public relations—which never hurt any athletic program—are earned by satisfactory planning and implementing the plans to please and accommodate the visiting public as well as those who live in the surrounding area.

Crowd accommodation, police service, effective planning and implementation, and public relations add up to good, businesslike and common sense approaches to crowd control. It takes a great deal of effort and time but it can, and should, be done.

The 'Supportive' People In Crowd Control

CLAYTON KOWALK
Director of Athletics
Lansing (Michigan) Secondary Schools

SCHOOL STAFFS HAVE BECOME INCREASINGLY AWARE of a need for preventive measures to cope with crowd control problems at athletic events. It is paramount that every school district employ pre-planning and that the team concept within the community be in its course of action.

During the past seven years, a plan for maintaining control of spectators has been carefully developed by the Lansing School District, the police department, and the human relations office. The guidelines and practices used in this cooperative venture have resulted from pre-planning, constant communication, and devoted attention. For the past several years, members of the Lansing School District, the police department, and the human relations director have met before the start of the school year to formulate a plan of operation and communication for spectator conduct and security at athletic events. The meetings have been an attempt to work together to assure orderly, lawful conduct on the part of spectators, and to meet foreseeable emergencies. The members pursue every means to involve the teamwork of all supportive individuals in the school community. For example, well-trained cheerleaders, choosing the right cheer at the right time, can have a tremendous influence on proper spectator conduct.

Student athletes also are responsible for crowd behavior, for their conduct can influence spectators' attitudes and actions. Coaches and students must learn, and accept, game rules and behavior patterns through planned assemblies, clinics, and demonstrations. School, city, and police officials must take a positive outlook toward large crowd activities and work together to insure the continuation of our great sports heritage.

In Lansing an effective supportive group has been the field representatives. They are young men and a few young women who, working under the human relations director, act as agents of restraint and order to prevent youths from committing acts of violence and lawlessness at public gatherings. The representatives have no connection with law enforcement, but help the police through the human relations office. They do not in any way replace the police, but assist them in controlling tense crowd situations.

The following points may serve as guidelines for school staffs to consider. These practices, and the organizational outline suggested, have made it possible for athletic contests in Lansing to be conducted without unpleasant incidents.

ADMINISTRATIVE STAFF

1. Review and evaluate each previous year's planning and the resultant cooperative effort, and compare with the present situation.

2. Meet with the chief of police prior to the opening of school and maintain a constant liaison with the police department and the human relations office.
3. Arrange for a "supervision and crowd control" meeting before the fall season. Schedule followup meetings after the second game and as circumstances require.
4. Establish channels of communication among those groups helping to supervise and with the law enforcement officers.
5. Submit a "Code of Conduct" bulletin for all schools, the P.T.A., etc.
6. Follow and publicize the recommendations of the supervision and crowd control committee.
   a. Committee should be composed of:
      1. Superintendent of schools
      2. Director of secondary education
         (Represents junior high principals)
      3. High school principals
      4. High school athletic directors
      5. Director of pupil personnel
      6. Police representatives
         a. Supervisor
         b. Traffic division
         c. Juvenile division
      7. Human relations director
      8. Director of boys' health, physical education, and athletics
   b. Possible recommendations of the supervision and crowd control committee might be:
      1. Prohibit free entry to youngsters at any time during the game.
      2. Ban pass-out tickets and have gates manned during the entire game.
      3. Erect restraining fence and placement.
      4. Discourage attendance of elementary and junior high students unless accompanied by parents.
      5. Provide staff personnel to discuss with organized groups topics such as crowd control, rules of sport, selection of officials, etc.
7. Contact adjacent township and county authorities.
   a. Assist with traffic plan in adjacent areas.
   b. Provide additional police in area.
8. Hire off-duty police as game and conditions warrant.
9. Honor the judgment and recommendations of the police department's liaison officer regarding the number of police officer's necessary at contests.

ATHLETIC DIRECTORS

1. Review checklist of game management responsibilities.
2. Explore ideas, circumstances, and guidelines with other schools at league meetings.

3. Assign experienced staff personnel at vulnerable stations.
4. Review station or gate assignments thoroughly with staff prior to each game.
5. Review with police supervisor special information and/or assignments prior to each game.
6. Check with police and gate supervisors at half time.
7. Utilize morale building organizations—parents' clubs, varsity clubs, pep clubs, etc.
8. Announce over the P.A. system the policy that no unauthorized spectators are allowed on the field prior to or during a game.
9. Schedule pre-season assemblies to review rules and discussions of good sportsmanship and spectator behavior.
10. Provide for a planned check of facilities and area in vicinity of school after contest.

COACHING STAFF

1. Work with the principal and the athletic director in conducting assemblies to inform students of rules and sportsmanship conduct.
2. Set an influential tone of conduct, visibly showing the value of self-restraint, fair play, and sportsmanlike conduct.
3. Remove from the game any troublemakers and players who display unsportsmanlike gestures.
4. Have a concern for personal appearance and good taste in grooming by all squad members.
5. Be a vigorous, forceful, and inspiring personality.
6. Avoid demonstrations or irritations which may result in excessive excitement or antagonizing of the crowd.

PLAYERS

1. Act like an athlete and a gentleman.
2. Display mutual respect at all times.
3. Avoid show-boating, unsportsmanlike gestures, and harassing opponents and officials.
4. Concentrate on the game and take little notice of the audience.
5. Cooperate with officials.
6. Influence spectators by your good conduct.
7. Display a concern for and assist an injured opponent if the situation presents itself.
8. Congratulate a team for its performance.

CHEERLEADERS

1. Stimulate and control crowd response.
2. Choose the right cheers at the right time.
3. Be certain that words used in a cheer do not suggest or inflame an audience.

4. Avoid using bells, horns, and noisemakers.
5. Use gestures that are synchronized, pleasing to watch, and easy to follow.
6. Divert the crowd's attention by starting a popular yell when booing develops.
7. Do not conduct a cheer at the same time as the visiting cheerleading squad.

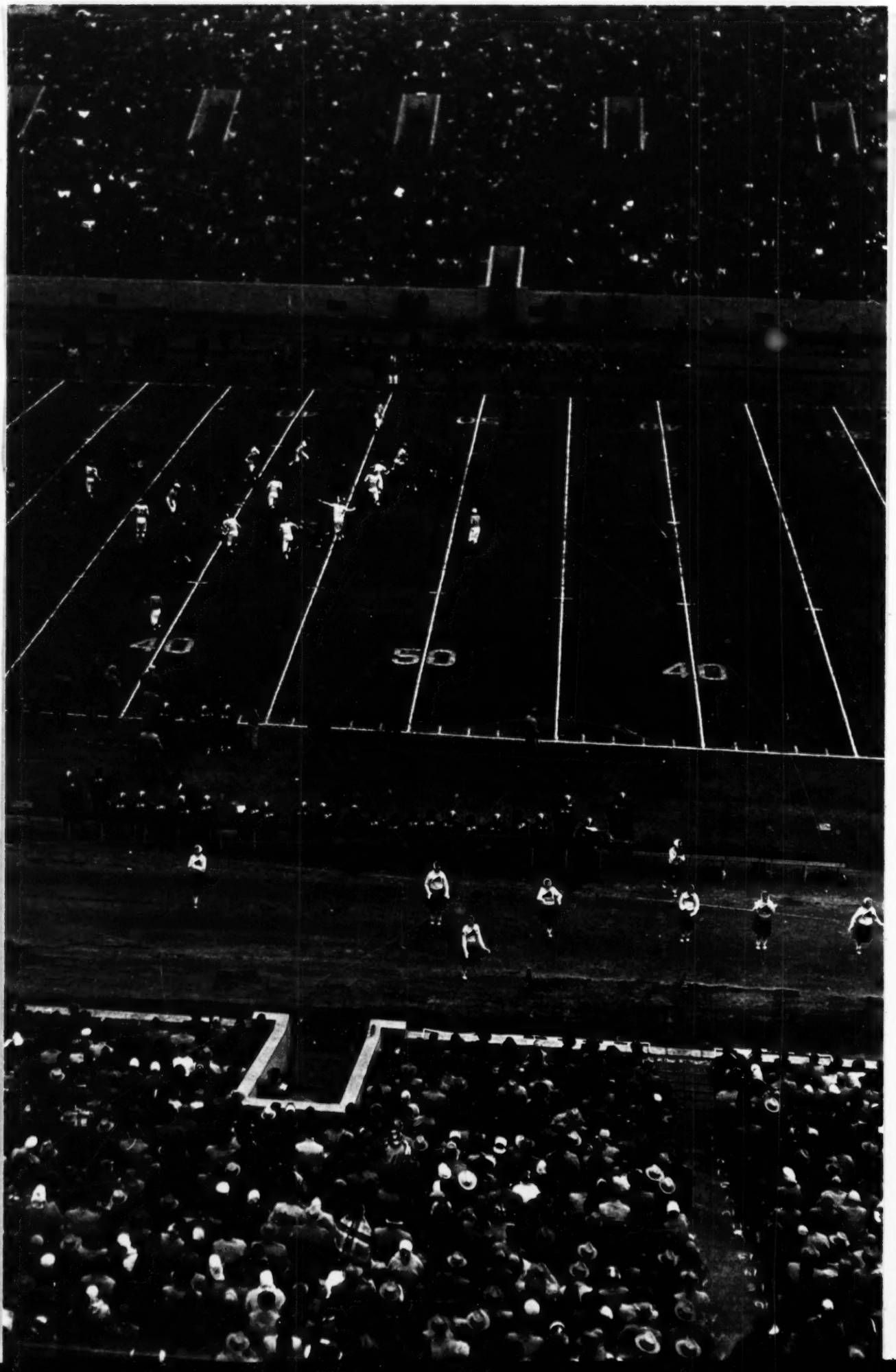
OFFICIALS

1. Maintain a neat appearance, and be friendly but businesslike.
2. Know fully the rules and accepted officiating procedures.
3. Make decisions promptly, fairly, and without arrogance.
4. Be consistent.
5. Eliminate officiating show-boating.
6. Be on time and start the game on time.
7. Refrain from placing hands on players during an athletic contest.
8. Cooperate together with other officials. A pregame conference prior to each game is helpful.

POLICE AND SUPERVISION

1. Check with the athletic director for any special assignment and/or information upon arrival.
2. Arrive on time.
3. Immediately discourage small group gatherings.
4. Keep playing area clear of spectators.
5. Review traffic patterns and station assignments.
6. Have adult violators escorted to the police station; call parents of youthful offenders to escort them home.
7. Move with the crowd within the area as the crowd leaves the facility.
8. Provide planned surveillance of area after the game.
9. Enlist the support of the human relations staff and field representatives.
   a. Augment the policeman's role.
   b. Use persuasive power within the crowd.
   c. Report to police supervisor upon arrival.
10. Assess "normal" police needs—uniform, traffic, off-duty, juvenile division, etc.

I am convinced that most behavior problems at athletic contests are caused by a small band of delinquents and dropout students. We must not forget the many fine youngsters who do benefit from school programs nor lose sight of the educational value of interscholastic athletics. Further, effective spectator conduct can be realized by team effort within every community and with the attitude that something worthwhile is worth keeping and fighting for.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The Law and the Spectator

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I. LEGAL STATUS OF THE SPECTATOR

A. Right to Admission

1. A public agency may refuse to admit a person to an activity for good cause only, and may not make arbitrary or invidious discriminations. Evidence of past misconduct on the premises or evidence that admission would jeopardize safe conduct of the event may suffice. *Tamelleo v. New Hampshire Jockey Club, Inc.*, 102 N.H. 547. 163 A.2d 10 (1960).
2. If it is impossible to accommodate persons who hold tickets, the agency must refund the price of the tickets or supply other seats at the same price.
3. "Where a mistake is made in selling tickets for seats already sold, the management should, in a polite and courteous manner, offer to refund the price of tickets or supply other seats at the same price; and, if this is done and the ticket holders refuse to accept the seats, no right of action accrues to them." 86 C.J.S. *Theatres and Shows* § 32. In support of that position, the cases of *Powell v. Weber-Stair Co.*, 125 S.W. 255 (Ct. App. Ky. 1910) and *Weber-Stair Co. v. Fisher*, 119 S.W. 195 (Ct. App. Ky. 1909) are cited.

The author wishes to give special acknowledgment to Bruce Le Mar, law student of the University of Michigan, for his assistance in legal research and suggestions in preparing this chapter.

II. STATUS OF THE TICKET BUYER

A. Once he has been admitted and seated, the ticket-buying spectator is clothed with a particular legal status which governs the actions and responsibilities of the "proprietor" toward him.

B. The courts seem to be split on whether the paying spectator is an "invitee" [1] (defined as "one who is invited or remains upon the premises, for a purpose which concerns the business of the invitor") or a "licensee" [2] ("one who stands in no contractual relationship to the owner or occupier of premises, but is permitted or tolerated thereon, expressly, implied, or inferentially, merely for his own interest, convenience, or pleasure, or for that of a third person"). 53 C.J.S. *Licenses* § 79.

C. Duty Owed to Invitees and Licensees

1. One court has expressed the duty of the invitor to the invitees as a requirement to "exercise ordinary care to guard them against danger, and to that end he must exercise ordinary care to render the premises reasonably safe for the invitees." *Ivory, supra,* at 839.

2. Toward a licensee, the proprietor owes only the duty to warn of hazardous conditions and to refrain from acts of active negligence, wanton and willful conduct, and gross negligence. See James, *Tort Liability of Occupiers of Land: Duties Owed to Licensees and Invitees,* 63 YALE L.J. 605 (1954).

3. It has been said that the duty of the manager of an enterprise extends to maintaining order on the premises, including responsibility for the conduct of third parties,[1] and that in discharge of the obligation of reasonable care, the manager is required to take action only when he has reason to expect, from what he has observed or from past experience, that the conduct of the third person will be dangerous to others.[2]

4. It has been held that there is a duty to remove disorderly, intoxicated persons. *Martin v. Philadelphia Gardens, Inc.,* 348 Pa. 232, 35 A.2d 317 (1944).

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[1] Ivory v. Cincinnati Baseball Club Co., 62 Ohio App. 514, 24 N.E.2d 837 (1939). James v. Rhode Island Auditorium, Inc., 60. R.I. 405, 199 A. 293 (1938).

[2] Marrone v. Washington Jockey Club, 227 U.S. 633 (1913).

[3] Planchard v. Klaw & Erlanger New Orleans Theatre Company, 166 La. 235, 117 So. 132 (1928).

[4] Prosser, CASES AND MATERIALS ON TORTS, 517, n2, 4th ed. (1967) [hereinafter cited as PROSSER].

D. Statutes in some states (for example, Kansas Statutes Annotated 72-1033) place control of school facilities and property in the hands of the school board, and "(w)here an athletic field is located on property owned by a school district, the management and control of such field are vested in the officers of the school board. . . ." See 78 C.J.S. *Schools and School Districts* §251, and *Nieman v. Common School District No. 95, Butler County,* 171 Kan. 237, 232 p.2d 422 (1951).

E. From the above, it follows that the agency (for example, school district) ultimately responsible for conducting and supervising the event is under a legal duty to provide for the safety of the spectators through provision for all foreseeable circumstances. This duty encompasses control of the crowd and individuals, and failure to carry out that duty adequately may render the agency and/or individuals liable for injuries resulting from that failure—negligently caused.

Summary of Liability for Negligence

Public Schools

Among the states, we find a variety of patterns relative to liability for negligence on the part of school districts and school officers, agents, and employees. *In all states, employees of school districts are liable for their negligence if it results in injury.*

a. In a number of states, governmental immunity of school districts has been abrogated either by legislation or judicial decision. In these states, school districts are liable for negligence in the performance of a governmental or proprietary function (negligence on the part of the district) and also for negligence acts committed by employees within the scope of their employment. School districts are jointly and severally liable and action may be brought against both or either.

b. In some states, the legislatures have permitted school districts to purchase liability insurance protecting the districts. In most of these, such purchase does *not* constitute a waiver of the district's immunity.

c. Other states have permissive legislation authorizing school districts to buy liability insurance protecting officers and employees. In only a few of these, does such purchase constitute a waiver of district immunity.

d. A few states through "save harmless" legislation either require or permit school districts to protect employees by paying judgments awarded against employees on claims arising from neglect acts committed within the scope of employment. This protection is not afforded

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to an employee whose acts were beyond the scope of authority at the time injury resulted. Typically, in a state which has "save harmless" laws, the lawsuit must be brought against the employee rather than against the school district, and the district's responsibility arises only after a judgment has been awarded against the employee, since in most "save harmless" states the school district is immune from suit for negligence.

Private Schools

e. Some states confer immunity from suit to private schools as *charitable institutions*. Immunity may be provided by statute or by authority of judicial decision and will prevent all persons from maintaining any action whatsoever against the institution for damages suffered as the result of negligent acts committed by its employees. Such immunity extends to the institution itself and does not prevent suit against the employee as an individual.

f. Some states have declared, either by statute or court decision, that private schools may be held liable to any person for injuries resulting from negligent acts committed by employees acting within the scope of their employment. This view represents modern thinking, but some states have lessened the effect of abolition of immunity by providing that the property of charitable institutions may not be subject to execution on satisfaction of any judgment awarded.

g. Some states, while not restricting the class of persons who may sue a charitable institution, limit recovery to cases in which the institution may be shown to have acted negligently in selecting and hiring the employee whose conduct caused the injury in question.

h. Some states have taken the view that a charitable institution may be found liable only if it has purchased insurance which covers the matter which forms the basis of the lawsuit (e.g., injuries suffered as the result of negligent employee conduct, or injuries arising from faulty, defective, or unsafe premises).

Charitable immunity from suit protects the charitable institution from liability for its negligence and the negligence of its employees but such immunity does not protect an employee from liability for his own negligence.

In a number of states, employees of public and private institutions may find protection through insurance carried by the state education association—as a fringe benefit to membership. It is recommended that such possible protection be checked carefully as to its scope of coverage.

F. Recommendations
   1. Check the laws in your state regarding duty owed to spectators and liability for negligence.
   2. Employ a number of supervisors adequate to cope with *foreseeable circumstances,* and instruct them carefully as to the manner in which they are expected to perform their *assigned duties.*

III. STATUS OF THE COMPLIMENTARY TICKET HOLDER

A. Since the grant of a complimentary ticket may be deemed an express invitation, the holder of the ticket occupies the status and rights of an invitee. (Refer to II, C, 1)

B. Circumstances under which the ticket was received by the holder bear strongly on final determination of his status in the event of litigation.

IV. STATUS OF THE GATE CRASHER

A. Since the gate crasher has no legal right, permission, or invitation to be on the premises, he may be treated as a trespasser. Generally speaking, there is a right to remove or request his removal from the premises.

B. Duty owed to trespassers
   1. The trespasser takes the conditions as he finds them, and no duty toward him (on the part of the proprietor) arises until he is discovered. Even then, the duty is only to make a reasonable effort to keep him from harm.
   2. If force is used to effect his removal, only that amount of force which is necessitated by the circumstances will be permitted. *Gorman v. United Theatres, Inc.*, 177 So. 463 (La. App. 1937).

C. Recommendations
   1. Use reasonable measures designed to prevent entry of gate crashers and to discover them promptly, such as patrolling areas where entry could be made.
   2. Eject gate crashers promptly after discovery, avoiding possible unruly involvement in chasing persons through a crowd, in order to minimize occurrence of incidents likely to arouse the interest of the crowd.
   3. In removing a gate crasher, use only that amount of force demanded by his conduct.

V. LEGAL NATURE OF EJECTING A PERSON(S) FROM AN EVENT

A. Despite the proprietor's common law privilege to eject for any (or no) reason, it seems now that some courts

will permit ejections for cause only. *Cummings v. St. Louis Amusement Co.*, 147 S.W. 2d 190 (Mo. App. 1941).

B. A patron may be deemed to have forfeited his license to remain on the premises if he engages in misconduct. Browder, Cunningham & Julin, *Basic Property Law*, 283 (1966).

C. As mentioned above (II, C, D), the proprietor's duty to exercise reasonable care for the safety of his patrons may necessitate ejection of unruly persons.

VI. RIGHTS OF BOTH PARTIES IN THE EVENT OF EJECTION

A. The Patron

1. The ejecting party must treat the patron in a civil and courteous manner when he confronts him at his seat. *Boswell v. Barnum & Bailey*, 135 Tenn. 35, 185 S.W. 692 (1916).
2. He is entitled to civil treatment and freedom from use of excessive force by the proprietor. See Conrad, *The Privilege of Forcibly Ejecting an Amusement Patron*, 90 PA. L. REV. 809, 823 (1942).
3. If his conduct has been peaceful, yet he is ejected, the patron is entitled to a refund of his admission. *Finesey v. Seattle Baseball Club*, 122 Wash. 276, 210 P. 679 (1922).

B. The Proprietor

1. "The school authorities of course have the right to protect themselves and their schools from disturbances and annoyances which interfere with the successful prosecution of the purposes for which they are established, and have the right to exclude from their grounds and buildings any person entering thereon for the purpose of disturbing the peace or breaking up the order, or interfering with the legitimate exercises of the school; but they cannot impose individual restrictions making discriminations excluding some from public exhibitions or exercises to which all the public are invited." *Hughes v. Goodell*, 3 Pittsb. 264 (1870); see 78 C.J.S. *Schools and School Districts* §259(a).
2. He has the right (and duty) to protect peaceful patrons from the actions of rowdy third parties. *Martin v. Philadelphia Gardens, supra;* Prosser, *supra.*
3. If circumstances demand, there is little question that the ejecting party may use force to carry out the

ejection—but only that amount of force which is absolutely necessary.

C. Summary and Recommendations: If it becomes necessary to eject a spectator, keep in mind the following:
   1. The spectator is entitled to civil treatment, verbally and physically, until he himself becomes abusive or violent.
   2. If circumstances require the use of force, the propretor is privileged to use only that amount of force necessitated by the spectator's conduct. Excessive force may constitute an assault.
   3. It is probably best to have a policeman carry out any ejections.
   4. If the spectator's conduct on the premises has been unobjectionable yet the proprietor still wishes to eject him (because of knowledge that on other or the same premises on other occasions he has "caused trouble"), the spectator is entitled to civil treatment by the proprietor, as well as a refund of admission.
   5. If the spectator's conduct on the premises has been objectionable, the propretor is not required to refund admission. However, it is a good policy to do so.

VII. STATUS OF SPECTATOR AT ADMISSION-FREE EVENTS

A. At an athletic event for which no admission is charged, spectators may be held to be invitees, depending upon circumstances surrounding the event (such as who extended the invitation, what past practice had been, and approval by school authorities). See *Perry v. Seattle School District No. 1*, 66 Wash.2d 800, 405 P.2d 589 (1965).

B. A spectator who was invited by her grandson-participant to watch his junior high school football game was held by one court to be an "implied invitee." See *Turner v. Caddo Parish School Board*, 179 So.2d 702 (La. App. 1965).

C. (For the duty owed generally to invitees, see I, C, 1 of this outline.)

D. One court has intimated, however, that "in more informal second- and third-team and intramural contests where no admission is charged and those who attend are largely relatives or personal friends of the participants," school personnel will not be held to the same degree of care as for events attended by large crowds "because of interest in the outcome of the game." (As contrasted, presumably, with interest in the participants.) *Perry, supra* at 593.